

Customer No. 28880

Confirmation No.

PTO/SB/21 (03-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/828,419
Filing Date	April 20, 2004
First Named Inventor	Berchielli, et al
Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	PC28684A

ENCLOSURES (Check all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
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<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input checked="" type="checkbox"/> Information Disclosure Statement
<input type="checkbox"/> Certified Copy of Priority Document(s)
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<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
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<input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to a Technology Center (TC)
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Information Disclosure Statement
PTO forms SB/08A and SB/08B
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Remarks

AUTHORIZATION TO CHARGE THE FEE AND ANY ADDITIONAL FEES AS NECESSARY OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT 23-0455 IS HEREBY GIVEN.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Francis J. Tinney
Signature	<i>Francis J. Tinney</i>
Date	June 11, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date 6-11-2004

Typed or printed	Nancy Dernbach
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Signature	<i>Nancy Dernbach</i>	Date	6-21-2004
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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USPTO Fax No.

703-872-9306



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/828,419
Applicant: Berchielli, et al
Filed: April 20, 2004
TC/A.U.: Unknown
Examiner: Unknown
Docket No.: PC25684A
Customer No.: 28880
Title: PHARMACEUTICAL COMPOSITIONS OF ATORVASTATIN

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Forms PTO/SB/08A and PTO/SB/08B are brought to the attention of the Examiner.

The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 C.F.R. § 1.53(d); or before the mailing of the first Office Action on the merits.

In accordance with 37 C.F.R. § 1.98(a)(2), a copy of each document or other information listed on the enclosed Forms PTO/SB/08A and PTO/SB/08B is provided, except for United States Patents and United States Patent Application Publications.

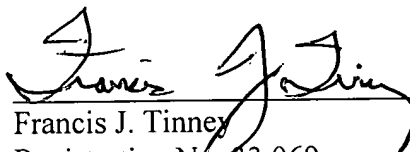
No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. § 102 and 103, and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art".

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Forms PTO/SB/08A and PTO/SB/08B, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

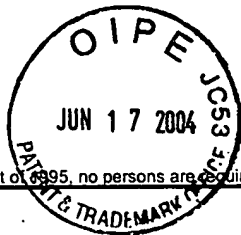
It is understood by the Applicants that this paper requires no fee, however, authorization is given to charge any necessary filing fees and any additional fees or credit any overpayment to Deposit Account 23-0455.

Dated: 6-11-2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis J. Tinney", is written over a horizontal line.

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PTO/SB/08A (08-03)

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 5

Complete if Known

Application Number	10/828,419
Filing Date	April 20, 2004
First Named Inventor	Berchielli, et al
Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	PC25684A

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 4,681,893	07/21/1987	Roth	
		US- 5,273,995	12/28/1993	Roth	
		US- 5,003,080	03/26/1991	Butler, et al	
		US- 5,097,045	03/17/1992	Butler, et al	
		US- 5,103,024	04/07/1992	Millar, et al	
		US- 5,124,482	06/23/1992	Butler, et al	
		US- 5,149,837	09/22/1992	Buler, et al	
		US- 5,155,251	10/13/1992	Butler, et al	
		US- 5,216,174	06/01/1993	Butler, et al	
		US- 5,245,047	09/14/1993	Butler, et al	
		US- 5,248,793	09/28/1993	Millar, et al	
		US- 5,280,126	01/18/1994	Butler, et al	
		US- 5,397,792	03/14/1995	Butler, et al	
		US- 5,342,952	08/30/1994	Butler, et al	
		US- 5,298,627	03/29/1994	Butler, et al	
		US- 5,446,054	08/29/1995	Butler, et al	
		US- 5,470,981	11/28/1995	Butler, et al	
		US- 5,489,690	02/06/1996	Butler, et al	
		US- 5,489,691	02/06/1996	Butler, et al	

FOREIGN PATENT DOCUMENTS

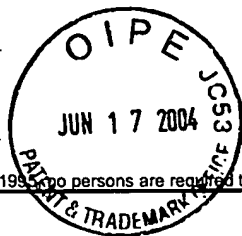
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 00/71116 A1	11/30/2000	Kumar, et al		
		WO 01/28999 A1	04/26/2001	Graff, et al		
		WO 01/36384 A1	05/25/2001	Ayalon, et al		
		WO 01/42209 A1	06/14/2001	Pflaum		
		WO 02/41834 A2	05/30/2002	Brainard		
		WO 02/43667 A2	06/06/2002	Lidor-Hadas, et al		

Examiner Signature	Date Considered
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/828,419
Filing Date	April 20, 2004
First Named Inventor	Berchielli, et al
Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	PC25684A

Sheet 2 of 5

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 5,510,488	04/23/1996	Butler, et al	
		US- 5,686,104	11/11/1997	Mills, et al	
		US- 5,969,156	10/19/1999	Briggs, et al	
		US- 5,998,633	12/07/1999	Jacks, et al	
		US- 6,087,511	07/11/2000	Lin, et al	
		US- 6,121,461	09/19/2000	McKenzie	
		US- 6,126,971	10/03/2000	Mills, et al	
		US- 6,433,213 B1	08/13/2002	Bosch, et al	
		US- 6,476,235 B2	11/05/2002	Butler, et al	
		US- 6,605,729 B1	08/12/2003	Byrn, et al	
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FOREIGN PATENT DOCUMENTS

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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		WO 02/43732 A1	06/06/2002	Aronhime, et al		
		WO 02/51084 A1	06/27/2002	Herbig, et al		
		WO 02/057228 A1	07/25/2002	Joy, et al		
		WO 02/057229 A1	06/14/2001	Mathew, et al		
		WO 02/057274 A1	07/25/2002	Srinath, et al		
		WO 02/059087 A1	08/01/2002	Sorsak		

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Sheet	3	of	5
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U. S. PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ *Number ⁴ *Kind Code ⁵ (if known)	MM-DD-YYYY			
		WO 02/083637 A1	10/24/2002	Agarwal, et al		
		WO 02/083638 A1	10/24/2002	Agarwal, et al		
		WO 03/011826 A1	02/13/2003	Reddy, et al		
		WO 03/050085 A1	06/19/2003	Faustman, et al		
		WO 03/070702 A1	08/28/2003	Tessler, et al		
		WO 2004/022053 A1	03/18/2004	Suri, et al		

Examiner Signature		Date Considered	
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First Named Inventor	Berchielli, et al
Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	PC25684A

Sheet 5

of 5

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		"Handbook of Pharmaceutical Excipients, 3rd Edition", A.H. Kibbe, Editor; Pharmaceutical Press, London, 2000	
		Takemoto, Masao, et al, "Statins as antioxidant therapy for preventing cardiac myocyte hypertrophy", The Journal of Clinical Investigation, November 2001, Vol. 108, No. 10, pp 1429-1437	
		Konno, T, et al, Pharm. Bull., 1990, Vol. 38, pp 2003-2007	
		US Application No. 10/828,079, commonly owned, attorney case number PC25685A	
		US Application No. 10/828,398, commonly owned, attorney case number PC25686A	
		US Application No. 10/828,488, commonly owned, attorney case number PC25825A	

Examiner Signature	Date Considered
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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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